

Civil Action No. 5:20-cy-792

Item: 2020-313

Corporate Creations Network Inc. 801 US Highway 1 North Palm Beach, FL 33408

The GEO Group, Inc.
Joseph Negron SVP & General Counsel
The GEO Group, Inc.
4955 Technology Way
Boca Raton FL 33431

06/16/2020

SERVICE OF PROCESS NOTICE

The following is a courtesy summary of the enclosed document(s). ALL information should be verified by you.

Note: Any questions regarding the substance of the matter described below, including the status or how to respond, should be directed to the contact set forth in line 12 below or to the court or government agency where the matter is being heard. IMPORTANT: All changes or updates to the SOP contact individuals or their contact information must be submitted in writing to SOPcontact@corpcreations.com. Any changes will become effective upon written confirmation of Corporate Creations.

1.	Entity Served:	The GEO Group, Inc.
2.	Title of Action:	Robert Cuellar vs. Geo Group Inc.
3.	Document(s) Served:	Citation Plaintiff's Original Petition Exhibits
4.	Court/Agency:	Medina County Judicial District Court
5.	State Served:	Texas
6.	Case Number:	20-06-26505-CV
7.	Case Type:	Violations of Texas Labor Code
8.	Method of Service:	Certified Mail
9.	Date Received:	Saturday 06/13/2020
10.	Date to Client:	Tuesday 06/16/2020
11.	# Days When Answer Due: Answer Due Date:	See Notes CAUTION: Client is solely responsible for verifying the accuracy of the estimated Answer Due Date. To avoid missing a crucial deadline, we recommend immediately confirming in writing with opposing counsel that the date of the service in their records matches the Date Received.
12.	Sop Sender: (Name, City, State, and Phone Number)	Mark Anthony Sanchez San Antonio, TX 210-222-8899
13.	Shipped To Client By:	Email Only with PDF Link
14.	Tracking Number:	
15.	Handled By:	441
16.	Notes:	Please note the answer is due by 10:00am on the Monday next following the expiration of twenty (20) days after service. Please review the enclosed documents in order to calculate the response due date.

NOTE: This notice and the information above is provided for general informational purposes only and should not be considered a legal opinion. The client and their legal counsel are solely responsible for reviewing the service of process and verifying the accuracy of all information. At Corporate Creations, we take pride in developing systems that effectively manage risk so our clients feel comfortable with the reliability of our service. We always deliver service of process so our clients avoid the risk of a default judgment. As registered agent, our role is to receive and forward service of process. To decrease risk for our clients, it is not our role to determine the merits of whether service of process is valid and effective. It is the role of legal counsel to assess whether service of process is invalid or defective. Registered agent services are provided by Corporate Creations Network Inc.

CITATION

THE STATE OF TEXAS

TO: GEO GROUP, INC.

REGISTERED AGENT: CORPORATE CREATIONS NETWORK, INC.

5444 WESTHEIMER #1000

HOUSTON, HARRIS COUNTY, TEXAS 77056

DEFENDANT, in the hereinafter styled and numbered cause:

YOU ARE HEREBY COMMANDED TO APPEAR BEFORE THE 454th DISTRICT COURT of Medina County, Texas, to be held at the Courthouse of said County, in the CITY OF HONDO, MEDINA COUNTY, TEXAS, by filing a written answer to the PLAINTIFF'S ORIGINAL PETITION of Petitioner at or before 10 o'clock A.M. of the Monday next after the expiration of 20 days after the date of service hereof, a copy of which accompanies this citation, in

CAUSE NO: 20-06-26505-CV

STYLED,

ROBERT CUELLAR

PLAINTIFF

vs.

GEO GROUP INC.

DEFENDANT

filed in said court on the 4th day of JUNE, 2020.

Plaintiff is represented by whose address is

MARK ANTHONY SANCHEZ

SANCHEZ & WILSON, PLLC

6243 IH-10, SUITE 1025

SAN ANTONIO, TEXAS 78201

ISSUED AND GIVEN UNDER MY HAND AND SEAL of said Court at office, in Hondo, Texas ON THIS THE 4th day of JUNE, 2020.



CINDY FOWLER

CINDY FOWLER, DISTRICT CLERK
MEDINA COUNTY, TEXAS
MEDINA COUNTY COURTHOUSE, ROOM 209
HONDO, TEXAS 78861

By Charles Kine

Deputy

YOU HAVE BEEN SUED. YOU MAY EMPLOY AN ATTORNEY. IF YOU OR YOUR ATTORNEY DO NOT FILE A WRITTEN ANSWER WITH THE CLERK WHO ISSUED THIS CITATION BY 10:00 O'CLOCK A.M. ON THE MONDAY NEXT FOLLOWING THE EXPIRATION OF TWENTY DAYS AFTER YOU WERE SERVED THIS CITATION AND PETITION, A DEFAULT JUDGMENT MAY BE TAKEN AGAINST YOU.

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RETURN OF CITATION

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FILED 6/4/2020 5:34 PM Cindy Fowler, District Clerk Medina County, Texas By: Charles Rine, Deputy 20-06-26505-CV

	NO	
ROBERT CUELLAR, Plaintiff,	§ §	IN THE DISTRICT CO
VS.	9 § §	JUDICIAL DISTRICT
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GEO GROUP INC., Defendant.	\$ 8	MEDINA COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES PLAINTIFF ROBERT CUELLAR, by and through his undersigned attorneys of record, and, in accordance with the Federal Rules of Civil Procedure, files this, his Original Petition, against DEFENDANT GEO GROUP INC. For cause of action, Mr. Cuellar would show unto the Court the following:

I. **DISCOVERY CONTROL PLAN**

1. Mr. Cuellar to conduct discovery pursuant to Level 2.

II. THE PARTIES

- 2. Mr. Cuellar is a citizen of the United States and a Texas resident living at 1504 27th, Hondo, Medina County, Texas 78861.
- 3. Defendant Geo Group, Inc. is a corporation duly authorized to conduct business in the State of Texas. Defendant can be served with service of process upon Corporate Creations Network, Inc, 5444 Westheimer #1000, Houston, Harris County, Texas 77056.

III. JURISDICTION

- 4. Mr. Cuellar asserts claims against Defendant for violations of the Texas Labor Code, thereby invoking the jurisdiction of this Court. He seeks monetary and injunctive relief over \$200,000.00 but not more than \$1,000,000.00. Mr. Cuellar does not assert any federal question claims.
- 5. On or about June 14, 2018, and within 180 days after Defendant terminated him, Mr. Cuellar timely filed a Charge of Discrimination against Defendant with the appropriate administrative agencies, including the United States Equal Employment Opportunity Commission (hereinafter "EEOC") and the Civil Rights Division of the Texas Workforce Commission (hereinafter "TWC"), identified as charge number 451-2018-02748.
- 6. On or about April 6, 2020, Mr. Cuellar received a Notice of Right to File a Civil Action (hereinafter "Notice") from the TWC.²
- 7. By filing a Charge of Discrimination, receiving his Notice, and filing suit within 60 days of receiving his Notice, Mr. Cuellar has complied with all conditions precedent and exhausted all applicable administrative remedies required by the Texas Labor Code prior to filing suit.

IV. VENUE

8. Because the acts and omissions forming the basis of this suit occurred in Medina County, Texas, venue is appropriate in the county courts of Medina County, Texas.

¹ See Exhibit 1, Charge of Discrimination, annexed hereto and incorporated by reference as if fully set forth herein.

V. STATEMENT OF FACTS

- 9. Mr. Cuellar was hired by the GEO Group, Inc. on November 2, 2009 to serve in the position of Detention Officer. He possessed the requisite skill, experience, education and other job-related requirements for the position. From the date he was hired until the day of his termination, he served a Detention Officer. Throughout his tenure with the GEO Group Inc., he received superlative employment evaluations.
- 10. Defendant regularly directed Mr. Cuellar to work long, exhausting overnight sixteen-hour shifts.
- 11. On May 6, 2018, after a long, exhausting overnight sixteen-hour shift, Mr. Cuellar was driving home on Highway 462 when, overcome with fatigue, he lost control of his vehicle which veered off the road and into a tree. Upon impact, Mr. Cuellar awakened, regained control of his vehicle, and continued to drive home.
- 12. On May 14, 2018, after a long, exhausting overnight sixteen-hour shift, Mr. Cuellar was again driving home on Highway 462 when, overcome with fatigue, lost control of his vehicle which veered across lanes and into on-coming traffic. On the same day, Mr. Cuellar's health care provider examined him regarding these alarming symptoms and provided him a medical excuse from work through May 15, 2018.
- 13. On May 15, 2018, Mr. Cuellar presented the medical restriction notice to his immediate supervisor, Captain Trejo and Human Resource Manager Glenda Klein. In response, Ms. Klein requested that Mr. Cuellar's answer a series of questions contained in Defendant's Request for Medical Information.

² See Exhibit 2, Notice of Right to File Civil Action, annexed hereto and incorporated by reference as if fully set

- 14. On May 16, 2018, Mr. Cuellar's health care provider responded to Defendant's Request for Medical Information and advised that he suffered from "sleep apnea," that he could perform the essential functions of his job, but was limited to twelve-hours per shifts. Mr. Cuellar's health care providers indicated that his sleep apnea was a lifetime condition.
- 15. On May 23, 2018, Warden Ray Castro placed Mr. Cuellar on administrative leave without pay pending "removal from detention officer position."
- 16. On May 25, 2018, Dr. Rowland clarified his assessment of Mr. Cuellar's medical condition in the Detention Officer Essential Function questionnaire and explained that Mr. Cuellar was capable of working overtime, but not excess of twelve hours per day. He opined that the limitation of work hours would be reasonable accommodation for his medical condition.
- 17. On July 19, 2018, Ms. Glenda Klein, Human Resources Manager, placed a letter in the mail via certified mail, advising Mr. Cuellar that his employment was terminated.

VI. VIOLATIONS OF THE TEXAS LABOR CODE

- 18. Whenever Mr. Cuellar pleads that Defendant engaged in any act or omission, he also pleads that Defendant's officers, agents, servants, employees or representatives, engaged in said act or omission within the course and scope of employment and with the full authorization or ratification of Defendant.
- 19. By and through his Original Petition, Mr. Cuellar pleads a *prima facie* case of disability discrimination and contends he is a qualified individual with a disability in that he suffers from a physical and/or mental impairment or condition that substantially limits one or more major life activities including, but not limited to, caring for oneself, performing manual

tasks, walking, seeing, hearing, speaking, breathing, learning, working, sitting, standing, lifting and reaching.

- 20. By and through his Original Petition, Mr. Cuellar pleads that he was hired by Defendant and, *ipso facto*, was qualified for the positions he held based upon his requisite skill, experience, education and other job-related requirements for the position.
- 21. By and through his Original Petition, Mr. Cuellar pleads that he can perform the essential functions of his job with reasonable accommodation. Moreover, Mr. Cuellar pleads that he provided Defendant with actual notice of his need for an accommodation or, in the alternative, that Defendant was on constructive notice of his need for an accommodation. Despite this knowledge, Defendant failed to engage in the interactive process or offer or make a reasonable accommodation to Mr. Cuellar including, but not limited to, the reassignment of the marginal functions of his job, reassignment to a vacant position, a part-time or modified work schedule, job restructuring, acquisition or modification of equipment or devices, and other similar accommodations.
- 22. By and through his Original Petition, Mr. Cuellar pleads that Defendant relied upon his disability in its failure and/or refusal to offer or make an accommodation and further relied upon his disability as the basis upon which to terminate his employment. Mr. Cuellar's disability was a motivating factor in Defendant's decision to terminate him.
- 23. Further, and in the alternative, Mr. Cuellar pleads that he was regarded as disabled in that he may suffer from a minor physical impairment that does not limit a major life activity, but which Defendant nonetheless perceived as substantially limiting; has an impairment that was

substantially limiting only because of the attitude expressed Defendant; or has no impairment but was perceived by Defendant as a substantially limiting impairment.

- 24. Further, and in the alternative, Mr. Cuellar pleads that he has established a record of disability that substantially limits one or more major life activities. More specifically, Mr. Cuellar avers that he has a history of and/or has been misclassified as having a mental or physical impairment that substantially limits one or more major life activities.
- 25. By and through his Original Petition, Mr. Cuellar pleads a *prima* facie case of retaliation and contends:
 - a. that he engaged in protected conduct and opposed unlawful conduct;
 - b. that he was terminated; and
 - c. a causal connection exists between his protected conduct and his termination.

VII. DAMAGES

- 26. By and through his Original Petition, Mr. Cuellar pleads that Defendant, and its agents, employees and representatives, have caused him grievous harm and damages. As a direct and proximate result of its violations of Texas law, Defendant has caused Mr. Cuellar to suffer extensive damages in amounts within the jurisdictional limits of this Court.
- 27. By and through his Original Petition, Mr. Cuellar pleads that Defendant has caused him to suffer acute mental anguish and severe emotional distress including, but not limited to, intense feelings of guilt and depression, anxiety, worry, apprehension, low self-esteem, severe humiliation, belittlement, shame, uncontrollable panic attacks, loss of sleep and

appetite, and alienation of affection from his family and friends. Mr. Cuellar will, in all likelihood and for the balance of his life, continue to suffer these damages.

- 28. By and through his Original Petition, Mr. Cuellar pleads that Defendant caused him to suffer lost back wages, lost future wages, and loss of other valuable employment benefits such as insurance and retirement benefits. Mr. Cuellar will continue to suffer these wages and benefits into the foreseeable future.
- 29. Mr. Cuellar was forced to secure the undersigned counsel to protect his rights guaranteed by the Texas Labor Code and, therefore, requests an award of attorney's fees and taxable costs of Court.

WHEREFORE, PREMISES CONSIDERED, PLAINTIFF ROBERT CUELLAR respectfully prays that, upon final trial on the merits, he recover judgment against DEFENDANT GEO GROUP INC., said judgment entitling Plaintiff to:

- 1. Compensation for all reasonable damages, including, but not limited to, past and future wages and other compensation, in an amount to be determined upon inquest;
- 2. Compensation for compensatory damages such as mental anguish and emotional pain and suffering, in an amount to be determined upon inquest;
- 3. A mandatory injunction reinstating Mr. Cuellar to full employment, with all lost wages and pertinent employment benefits, retroactive to July 19, 2018;
- 4. Exemplary Damages;
- 5. Reasonable and necessary attorney's fees;
- 6. All taxable costs of court expended in this lawsuit;
- 7. Pre-judgment and post-judgment interest, at the maximum rate permitted by law;
- 8. Such other and further legal relief, either at law or equity, to which Ms. Ramos may be justly entitled.

PLAINTIFF REQUESTS TRIAL BY JURY.

Respectfully submitted,

SÁNCHEZ & WILSON, P.L.L.C.
MARK ANTHONY SÁNCHEZ, ESQ.
6243 IH-10 West, Suite 1025
San Antonio, Texas 78201
(210) 222-8899
(210) 222-9526 (Telecopier)
E-mail: mas@sanchezwilson.com
ATTORNEYS FOR PLAINTIFF

By: /s/ Mark Anthony Sánchez

MARK ANTHONY SÁNCHEZ, ESQ. TEXAS STATE BAR NO. 00795857

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1504 27th, Hondo, Texas 78861								
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)								
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Exhibit 1 DocuSign Envelope ID: 0DBC5604-1A3B-4A8B-BC01-57D9A9D2D5C0

Texas Workforce Commission

A Member of Texas Workforce Solutions

April 6, 2020

NOTICE OF COMPLAINANT'S RIGHT TO FILE CIVIL ACTION

Bryan Daniel, Chairman Commissioner Representing the Public

Julian Alvarez
Commissioner Representing

Aaron Demerson
Commissioner Representing
Employers

Edward Serna Executive Director

Robert Cuellar 1504 27th Hondo, TX 78861

Re:

Robert Cuellar v. The Geo Group, Inc.

EEOC Complaint # 450-2018-02748

Dear Robert Cuellar:

The above-referenced case was processed by the United States Equal Employment Opportunity Commission or a local agency. Pursuant to Sections 21.252 and 21.254 of the Texas Labor Code, this notice is to advise you of your right to bring a private civil action in state court in the above-referenced case. YOU HAVE SIXTY (60) DAYS FROM THE RECEIPT OF THIS NOTICE TO FILE THIS CIVIL ACTION.

If your case has been successfully resolved by the U. S. Equal Employment Opportunity Commission or another agency through a voluntary settlement or conciliation agreement, you may be prohibited by the terms of such an agreement from filing a private civil action in state court pursuant to the Texas Commission on Human Rights Act, as amended.

The United States Supreme Court has held in *Kremer v. Chemical Construction Corporation*, 456 U.S. 461 (1982), that a federal district court must generally dismiss a Title VII action involving the same parties and raising the same issues as those raised in a prior state court action under Chapter 21 of the Texas Labor Code. Therefore, filing a lawsuit in state court based on the issuance of this notice of right to file a civil action may prevent you from filing a lawsuit in federal court based on Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e - et seq.

Sincerely.

Bryan D. Snoddy

Interim Executive Director, Civil Rights Division

RETAIN ENVELOPE TO VERIFY DATE RECEIVED

Copy to: The Geo Group, Inc. c/o: Lisa Claxton Littler Mendelson, P.C. 2301 McGee Street, Ste. 800 Kansas City, MO 64108

Exhibit 2



Certificate Of Completion

Envelope Id: 0DBC56041A3B4A8BBC0157D9A9D2D5C0

Subject: Notice of Right to File Civil Action: 450-2018-02748 Cuellar, Robert

docSeqld: docType:

Source Envelope:

Document Pages: 1 Signatures: 0
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101 E. 15th Street, Room 0154-B

Austin, TX 78778

brittany.sherwood@twc.state.tx.us IP Address: 70.114.172.161

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Robert Cuellar

rcuellar9938@sbcglobal.net

Security Level: Email, Account Authentication

(None)

Electronic Record and Signature Disclosure:

Not Offered via DocuSign

Witness Events

Signature Timestamp

Notary Events Signature Timestamp

Envelope Summary Events Status Timestamps

 Envelope Sent
 Hashed/Encrypted
 4/6/2020 1:45:05 PM

 Certified Delivered
 Security Checked
 4/6/2020 1:45:05 PM

 Signing Complete
 Security Checked
 4/6/2020 1:45:05 PM

 Completed
 Security Checked
 4/6/2020 1:45:05 PM

Payment Events Status Timestamps

Case 5.20-CV-00792 Document 1-4 Filed 07/06/20 Page 15 01 15

JUN 1 3 2020